

Amend CSHB 1346 (house committee report) by striking page 1, lines 13-22 and substituting the following:

(b) If at any time the state represents to the convicting court that an eligible indigent defendant under Article 1.051 who was sentenced or had a sentence suspended is not guilty, is guilty of only a lesser offense, or was convicted or sentenced under a law that has been found unconstitutional by the court of criminal appeals or the United States Supreme Court, the court:

(1) shall appoint an attorney to represent the indigent defendant for purposes of filing an application for a writ of habeas corpus, if an application has not been filed, or to otherwise represent the indigent defendant in a proceeding based on the application for the writ; and

(2) may grant the request for habeas corpus relief, if the state and the attorney representing the eligible indigent defendant agree on the requested relief.